

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY**

ABSECON DO IT BEST HARDWARE

Plaintiff,

v.

NATIONAL FIRE INSURANCE COMPANY
OF HARTFORD,

Defendant.

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Civil Action No. 1:17-cv-10760

NOTICE OF REMOVAL

Defendant, National Fire Insurance Company of Hartford, (“NFICH”) by and through its undersigned counsel, files this Notice of Removal to remove the above-captioned action, currently pending in the Superior Court of New Jersey, Law Division, Atlantic County, and in support thereof avers as follows:

1. On September 18, 2017, Plaintiff, Absecon Do it Best Hardware (“Plaintiff”), commenced this action by filing a Complaint in the Superior Court of New Jersey, Law Division, Atlantic County, Docket No. ATL-L-1890-17. A copy of the Complaint is attached as Exhibit A.

2. On October 6, 2017, NFICH received notice of the Complaint through certified mail. *See* Exhibit B.

3. NFICH is a corporation organized under the laws of the State of Illinois with its principal place of business in Illinois.

4. Upon information and belief, Plaintiff is not a citizen of the State of Illinois.

5. This is an insurance coverage action that Plaintiff brought against NFICH to determine the rights and obligations of the parties under NFICH Policy No. B 4031344262, in

connection with Plaintiff's demand for coverage for reported damage to the "building and personal property" located at 401 White Horse Pike, Absecon, New Jersey.

6. Plaintiff attached to its Complaint estimates which value the damage that was allegedly sustained and for which coverage is disputed. The estimates are in excess of \$75,000. Therefore, the amount in controversy between the parties exceeds the \$75,000.00 jurisdictional limit. *See* Exhibit A.

7. This Notice of Removal is being filed pursuant to 28 U.S.C. § 1441(a), which provides for removal of "any civil action brought in a state court of which the district courts of the United States have original jurisdiction." 28 U.S.C. § 1441(a).

8. Pursuant to 28 U.S.C. § 1332(a)(1), the district courts have original jurisdiction over this civil action because the matter in controversy exceeds the sum of \$75,000.00, exclusive of interest and costs, and is between citizens of different states.

9. This Notice of Removal is timely filed pursuant to 28 U.S.C. § 1446(b), within thirty (30) days of receipt of the Complaint in the State Action. The Complaint was filed on September 18, 2017, but NFICH did not receive notice of the Complaint until October 6, 2017.

10. A copy of this Notice of Removal is being filed with the Clerk of Courts, Atlantic County, and is being served upon Plaintiff pursuant to 28 U.S.C. § 1446(d). A copy of the Notice to the Clerk of Courts is attached hereto as Exhibit C.

11. This is the proper district for removal pursuant to 28 U.S.C. §§ 118(a) and 1441(a) and (e)(1), in that the District of New Jersey encompasses Atlantic County and is "the district and division embracing the place where such action is pending."

12. Based upon a review of the publicly available docket entries, it appears that an Amended Complaint was filed in the state action. However, NFICH has not been served with the

Amended Complaint. NFICH has not filed any responsive pleadings to either the Complaint or the Amended Complaint. There are no other pleadings, orders or other filings in the State Action. See Exhibit D, Online Docket Entries for Docket No. ATL-L-1890-17.

13. For the reasons set forth above, the Court has original jurisdiction over this action under 28 U.S.C. §1332, and removal is appropriate under 28 U.S.C. §1441(a)(1).

Respectfully submitted,

CNA COVERAGE LITIGATION GROUP

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Counsel for Defendant,

National Fire Insurance Company of Hartford

Dated: November 2, 2017

Pursuant to Local Rule 11.2, the undersigned hereby certifies that the matter in controversy is not the subject of any other action pending in any court, or of any pending arbitration or administrative proceeding other than the pending state action that is the subject of this removal.

s/ Melissa A. Cornibe

Melissa A. Cornibe